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C O N F I D E N T I A L ULAANBAATAR 000381

STATE FOR EAP/CM

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TAGS: [PREL](#) [PGOV](#) [KCOR](#) [EMIN](#) [SOCI](#) [MG](#)
SUBJECT: DISAGREEMENT CRESTS BETWEEN MONGOLIAN PARTIES OVER
OATH-TAKING

REF: ULAANBAATAR 373

Classified By: Ambassador Mark Minton, Reasons 1.4 (b/d).

SUMMARY

1. (SBU) Over five weeks have passed since violent protests left five dead and hundreds injured, landed nearly 200 protesters in detention without being charged, and burned the HQ of the Mongolian People's Revolutionary Party (MPRP). The political situation has not moved far beyond allegations stemming from each party's behavior in the days following the June 29 elections. The current political impasse sparked by the Democratic Party's (DP) refusal to allow its recently elected MPs to take the oath of office has refused to break. Although the DP and the MPRP have agreed in recent days on a number of legislative and constitutional priorities to take up once the new parliament convenes, they have come no closer to a solution that would satisfy the electoral concerns of the DP. Since President Enkhbayar will be at the Beijing Olympic Games from August 7 to 11 and he is required chair the first session of a new parliament, the DP and MPRP now have a few days, breathing room. Whether they will use this time to gird for more battle or to seek a face-saving compromise remains to be seen. End Summary.

THE DP'S CONCERNS

2. (U) On August 7, POLOFF spoke with Z. Enkhbold of the DP, who led the DP's five-person working group that last met on Monday to attempt to resolve the oath dispute. Enkhbold stated that the two parties were essentially in agreement regarding the legislative priorities they discussed in the five meetings of the working groups. (Note: These topics included election reform, constitutional amendment proposals, campaign finance reform, and new laws regarding the civil service meant to enshrine a merit-based system. End Note.)

3. (C) However, despite their progress on these matters, Enkhbold indicated the impasse is due to the MPRP's rejection of the DP's assertion that Battulga, the head of the General Election Commission (GEC), acted without the consent of his GEC peers when he announced amended election results on July 14 that gave three more seats to the MPRP. (Note: Battulga is an MPRP member. End Note.) The election results as originally announced by the GEC on July 10 gave 36 of the 76 seats in parliament to the MPRP. Battulga's July 14 announcement added three seats to that total and created a majority for the MPRP. Enkhbold emphasized to POLOFF that Battulga was not only incorrect in acting unilaterally on July 14, but also in violation of election law (specifically, Article 51.2) that states the GEC must present election results to the president within fifteen days of the election. (Comment: Although the issue has not been pressed directly with the GEC, post suspects the GEC would view the July 14 announcement as an extension of its duly announced July 10 results that could not be fully detailed on the 10th due to

tallies in certain districts that were and still are being resolved. End Comment.)

THE DP'S FRAUD CONCERNS

14. (C) Enkhbold explained his concerns regarding voting fraud. He cited statistics such as the registration of 5,000 voters in District 26 on the day of the election. Because registering for the election after June 15 required extensive paperwork to demonstrate the voter's extraordinary need to register later than the general deadline, Enkhbold argued the surprisingly large number of people able to meet this onerous demand immediately prior to or on the day of the election smelled of fraud. He also cited similar statistics about PM Bayar's district, saying that fully one quarter (11,900 people) of those who voted there also managed to register in the immediate run-up to the vote.

15. (C) Enkhbold's strongest words were saved for last. He stated if the DP MPs were to take the oath under the present circumstances, this would be a validation of both the MPRP's assertion that the July 1 post-election violence was a terrorist event and of the massive falsification that took place at the polls.

THE MPRP'S ANGLE ON THE OATH

16. (C) POLOFF also spoke the same day with Sukh. Batbold, the wealthy MPRP party member whose name has been mentioned by personnel at the Mongolian Embassy in Washington as a possible Foreign Minister candidate. Batbold said the MPRP is ready to start any time, meaning take the oath. He made the same comments as Enkhbold with respect to the working group negotiations that delineated topics for the new parliament, such as the legal environment, necessary constitutional amendments, and a mining law, saying the two parties were almost on the same page. He also clarified that the nine-point agreement that resulted from the working groups had been signed by all five MPRP members and forwarded to the DP for its five signatures. He had not heard if the DP has yet signed.

MPRP KEEPING A LOW PROFILE

17. (C) Batbold took an intentionally conciliatory tone, saying the MPRP does not want a monopoly over any issue. He also made a point of using terms like our friends in the DP. When pressed as to what he thinks the DP is hoping to get out of the oath standoff, Batbold said the DP was perhaps hoping for a long-shot chance at forming a coalition government based on the July 10 election results. However, Batbold said the more likely reason is that DP leader Elbegdorj does not want to be seen as a complete failure and is looking to recover some ground by taking the high road of decrying electoral injustice. He said the DP's standoff was Elbegdorj's personal agenda for not wanting to lose face.

18. (C) Batbold also noted that since this is after all summer in Mongolia, people are generally relaxed and not in a hurry to see their government form) the people don't mind if the parliament takes its time. This contrasted with Enkhbold's urgency and lengthy explanation of voting irregularities.

VICTIMS, FAMILIES APPEAL TO THE DP

19. (C) According to a separate discussion with Batbayar (the public relations chief of the DP), the families of the five Mongolians killed during the post-election violence have asked the DP not to take the oath of office, claiming that the police and state are guilty in the matter and must not be absolved by allowing the election results to produce a new parliament.

¶10. (U) Parliamentary Secretariat member Ms. Narantuya (also a former GEC member who left that post prior to the election) confirmed for POLOFF that President Enkhbayar must chair the opening session of the new parliament. Since he will be in China until August 11, no oath can be taken until then.

¶11. (C) Comment: Since the MPRP is well positioned to gain a majority in parliament once all disputed districts are tallied (regardless of whether the July 10 or July 14 results form the basis), the DP may simply be looking to take the apparent high road by pushing the electoral irregularities into the public spotlight for as long as possible. Both sides appear ready to wait this out for a few days longer since the president will be away. The public apparently does not yet view the DP as obstructionist, but if the DP considers such a moment to have come, it may then back away from the high road of indignation it is now pursuing. End Comment.

MINTON